

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Case No. 4:06cr16
	§	(Judge Schell)
STACEY ALLEN SIMS (18)	§	

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on January 12, 2012, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by James Peacock.

On January 25, 2007, Defendant was sentenced by the Honorable Richard A. Schell to fifty-three (53) months' custody followed by three (3) years of supervised release for the offense of Conspiracy to Manufacture, Distribute or Possess with Intent to Manufacture, Distribute or Dispense Methamphetamine. On December 4, 2009, Defendant completed his period of imprisonment and began service of his supervised term.

On December 12, 2011, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated several mandatory and standard conditions. All alleged violations except for allegation eight were dismissed by the Government. Allegation eight asserted that Defendant violated the following mandatory condition: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within fifteen days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The petition alleges that Defendant committed the following act: (1) Defendant submitted urine specimens that tested positive for methamphetamine on June 10, 2011, and July 27, 2011.

Prior to the Government putting on its case, Defendant entered a plea of true to allegation eight. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-four (24) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Texarkana Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 19th day of January, 2012.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE